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Security Council

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Côte d'Ivoire

1. At its 10th meeting, on 18 September 2007, the Working Group examined the report of the Secretary-General on children and armed conflict in Côte d'Ivoire (S/2007/515), introduced by the Special Representative of the Secretary-General. The Permanent Representative of Côte d'Ivoire participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. The members of the Working Group welcomed:

(a) The report of the Secretary-General;

(b) The close engagement of the Special Representative of the Secretary-General, the United Nations Children's Fund (UNICEF) and the United Nations Operation in Côte d'Ivoire (UNOCI) with all parties;

(c) The visit of the Special Representative to Côte d'Ivoire in September 2007 and the cooperation of the authorities of Côte d'Ivoire with the Special Representative;

(d) The fact that there was no longer any substantiated evidence of active unlawful recruitment and use of children by armed groups, as well as the steady decrease in the association of children with such groups;

(e) The measures taken by the Forces nouvelles and the militia groups to cooperate with the United Nations and the national disarmament, demobilization and reintegration programme in the full implementation of the action plans agreed upon with the United Nations in November 2005 and September 2006, respectively, to end the association of children with their forces, including through regular in situ verification;

(f) The effectiveness of the system established by resolution 1612 (2005) in Côte d'Ivoire.

4. While noting that there had been a decline in reported cases of killings, and bearing in mind the difficulties of a post-conflict situation, the Working Group called upon the authorities of Côte d'Ivoire to make their best efforts to investigate

the crimes committed against children, to identify the perpetrators and to prosecute serious violations and abuses committed against children.

5. Some members of the Working Group stressed that crimes committed against children, particularly rape, killings and abduction, are generally perpetrated by civilian criminals who take advantage of the insecure environment and the lack of law and order. The onus remained on the parties to the conflict to address those violations in the context of their responsibility for the maintenance of security in the territories under their control. They expressed their wish for more specific information on the context and the perpetrators of crimes related in the report.

6. At the same time, the Working Group reiterated the grave concern that it had expressed at its 6th meeting on 8 November 2006 with regard to the persistent incidents of rape and other sexual violence against girls and the killing, maiming and abduction of children.

7. The Permanent Representative of Côte d'Ivoire also welcomed the report of the Secretary-General. He reiterated that the armed forces of Côte d'Ivoire had never either recruited or used children. He welcomed the action plans of the militia groups and reasserted the commitment of the authorities of Côte d'Ivoire to cooperate further with the United Nations with a view to improving the situation of the children affected by armed conflict.

8. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolution 1612 (2005), the Working Group agreed to the following.

Recommendations to the Security Council

9. The Working Group agreed to recommend that the President of the Security Council address letters:

To the President and the Prime Minister of Côte d'Ivoire

(a) *Welcoming* their cooperation with the United Nations with a view to improving the situation of the children affected by armed conflict, in particular through the national disarmament, demobilization and reintegration programme, and further encouraging them to develop and establish, with the support of the United Nations, institutional arrangements to ensure that children are prioritized in the peace, reconstruction and development processes, including through the possible establishment of a national commission for children affected by armed conflict, in accordance with international law and taking into account the principles relating to the status of national institutions (see General Assembly resolution 48/134);

(b) *Reaffirming* the primary responsibility of all parties to armed conflict to take all feasible steps to ensure the protection of affected civilians, including children, and calling upon them to ensure, in accordance with Security Council resolution 1765 (2007), that the protection of children is addressed in the implementation of the Ouagadougou political Agreement as well as in the post-conflict reconstruction and recovery phases;

(c) *Recalling* that the participants in the conference entitled "Free children from war", held in Paris on 5 and 6 February 2007 committed themselves to making every effort to uphold and apply the Paris Principles and Commitments to protect

children from unlawful recruitment or use by armed forces or armed groups wherever possible in their political, diplomatic, humanitarian, technical-assistance and funding roles, consistent with their international obligations;

(d) *Urging* them to monitor closely the measures taken by all armed groups to cooperate with the United Nations and the national disarmament, demobilization and reintegration programme in the full implementation of the action plans agreed upon with the United Nations in November 2005 and September 2006, respectively, to end the association of children with their forces;

(e) *Expressing deep concern* about the current impunity for violations and abuses committed against children, and calling upon them to undertake and demonstrate concrete measures to address this concern, including the rigorous and timely investigation of incidents and prosecution of the perpetrators of crimes;

(f) *Expressing deep concern also* about the prevalence of sexual violence against children in Côte d'Ivoire, and urging them, as a matter of urgent priority, to prepare a national action plan to address this issue; such an action plan may include, where appropriate, a concerted awareness-raising campaign, training and capacity-building for enhanced protection and victim assistance, rigorous and timely investigation and prosecution of crimes of sexual violence;

(g) *Welcoming* the commitment made by Côte d'Ivoire at the 6th meeting of the Working Group on Children and Armed Conflict on 8 November 2006 to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict as soon as practicable;

(h) *Taking note* of the fact that the parties to the armed conflict in Côte d'Ivoire are no longer mentioned in the annexes to the report of the Secretary-General on children and armed conflict (see A/62/609-S/2007/757) as recruiting or using children, and expressing its intention to pay further due attention to the adherence by those parties to their commitments to halt the recruitment and use of children as well as to their granting the United Nations access to their military zones for verification;

To the Secretary-General

(i) *Requesting* that the United Nations country team continue to ensure effective follow-up to Security Council resolutions on children and armed conflict as well as to the subsequent conclusions and recommendations of its Working Group, including through the further strengthening of monitoring and reporting of violations and abuses and by ensuring a coordinated response to this issue;

(j) *Recommending* that his Special Representative on Children and Armed Conflict continue to work closely with the Government of Côte d'Ivoire with a view to providing any assistance that it may require;

(k) *Requesting* that his Special Representative transmit to the parties to the armed conflict mentioned in the report of the Secretary-General (S/2007/515) as soon as possible the message addressed to them by the Chairman of the Working Group.

10. The Working Group agreed to recommend that the President of the Security Council address a message to the Parties to the armed conflict mentioned in the report of the Secretary-General (S/2007/515) through a public statement by the

Chairman of the Working Group transmitted by the Special Representative of the Secretary-General on Children and Armed Conflict, specifically:

To the Secretary-General of the Forces nouvelles

(a) *Welcoming* the measures taken by the Forces nouvelles to cooperate with the United Nations and the national disarmament, demobilization and reintegration programme in the full implementation of the action plans agreed upon with the United Nations in November 2005 to end the association of children with their forces;

(b) *Calling upon* the Forces nouvelles to adhere to those commitments with the support, as appropriate, of the United Nations agencies involved in the Task-Force on Monitoring and Reporting, and to continue to grant the United Nations unhindered access to their military zones for verification;

(c) *Urging* them to pay special attention to initiatives to prevent and cope with violence committed against children, including rape and other grave sexual violence, and to report expeditiously any such crimes to the Ivorian child protection authorities, UNICEF and UNOCI;

(d) *Stressing* that their compliance with Security Council resolution 1612 (2005) will continue to be systematically monitored and reported by the relevant United Nations actors;

(e) *Taking note* of the fact that the Forces nouvelles are no longer mentioned in the annexes to the report of the Secretary-General on children and armed conflict (see A/62/609-S/2007/757) as recruiting or using children, and expressing its intention tb pay further due attention to the commitments made by them vis-à-vis the United Nations;

To the leaders of the Front pour la libération du Grand Ouest, the Alliance patriotique de l'ethnie Wé, the Union patriotique de résistance du Grand Ouest and the Mouvement ivoirien de libération de l'ouest de la Côte d'Ivoire

(f) *Welcoming* the measures taken to cooperate with the United Nations and the national disarmament, demobilization and reintegration programme in the full implementation of the action plans agreed upon with the United Nations in September 2006 to end the association of children with their forces;

(g) *Calling upon* them to adhere to those commitments and to continue to grant the United Nations unhindered access to their military zones for verification;

(h) *Urging* them to pay special attention to initiatives to prevent and cope with violence committed against children, including rape and other grave sexual violence, and to report expeditiously any such crimes to the Ivorian child protection authorities, UNICEF and UNOCI;

(i) *Stressing* that their compliance with Security Council resolution 1612 (2005) will continue to be systematically monitored and reported by the relevant United Nations actors;

(j) *Taking note* of the fact that the Forces nouvelles are no longer mentioned in the annexes of the report of the Secretary-General on children and armed conflict (see A/62/609-S/2007/757) as recruiting or using children, and expressing its

intention to pay further due attention to the commitments made by them vis-à-vis the United Nations.

Direct action by the Working Group

11. The Working Group also agreed to address a letter from its Chairman to the World Bank and donors requesting the provision of timely and adequate resources with a view:

(a) To strengthening reintegration programmes for demobilized Ivorian children, with due consideration to the longer-term requirements of such programmes for children;

(b) To supporting the Government of Côte d'Ivoire in the preparation and implementation of a national action plan to fight violence against children, including rape and other grave sexual violence.

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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Côte d'Ivoire

Corrigendum

Paragraph 10 (j)

For the existing text, *substitute*

(j) *Taking note* of the fact that militia groups, as listed above, are no longer mentioned in the annexes to the report of the Secretary-General on children and armed conflict (see A/62/609-S/2007/757) as recruiting or using children, and expressing its intention to pay further due attention to the commitments made by them vis-à-vis the United Nations.

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Working Group on Children and Armed Conflict

Conclusions on parties to the situation of armed conflict in Burundi

1. At its 11th meeting, on 6 December 2007, the Working Group examined the report of the Secretary-General on children and armed conflict in Burundi (S/2007/686), introduced by the Special Representative of the Secretary-General. A representative of Burundi participated in the subsequent discussion.

2. The main elements of the exchange of views among the members of the Working Group are summarized below.

3. The members of the Working Group welcomed the submission of the report of the Secretary-General in accordance with Security Council resolution 1612 (2005), and the analysis and recommendations contained therein met with a generally favourable response.

4. Grave concern was expressed regarding the delays in the implementation of the Comprehensive Ceasefire Agreement, the suspension of participation of Palipehutu-Forces nationales de libération (FNL) in the Joint Verification and Monitoring Mechanism, the failure to formally release children associated with Palipehutu-FNL and reports of further child recruitment and use by Palipehutu-FNL, despite the message contained in the conclusions adopted by the Working Group (see S/2007/92).

5. Grave concern was also expressed about the alarming increase in cases of rape and other grave sexual violence committed against children, especially girls, and the prevailing impunity concerning those cases, despite some positive steps taken by the Government of Burundi to address the situation and prosecute perpetrators.

6. The members of the Working Group welcomed the steps taken by the Government of Burundi, with the support of the United Nations Integrated Office in Burundi (BINUB), United Nations agencies, funds and programmes and donors, to review legislation, improve prevention and awareness-raising, develop training in the field of child welfare and protection and address abuses and children's rights violations, in particular rape and other forms of sexual violence, including any committed by security forces.

7. The members also welcomed the release of children whose detention in the demobilization camp at Randa was mentioned in the previous report of the

Secretary-General (S/2006/851), in line with the conclusions of the Working Group, and the subsequent release, in March 2007, of most of the children held in illegal detention for suspected association with Palipehutu-FNL, while insisting that mechanisms should allow the United Nations to provide support for the reintegration of released children into their families and their communities.

8. The participation of the Minister for National Solidarity, Human Rights and Gender of Burundi in the conference entitled "Free children from war", held in Paris on 5 and 6 February 2007, and commitments made to the Special Representative of the Secretary-General during her visit to Burundi in March 2007, were also welcomed.

9. Members of the Working Group insisted on the need for further support by the international community to assist disarmament, demobilization and reintegration programmes for children and other programmes designed to improve child protection and awareness-raising on the rights of the child in Burundi.

10. The representative of Burundi expressed his appreciation to the Secretary-General for his report and the recommendations contained therein, and indicated that the protection of children, including through the finalization of a programme of transcription into national legislation of all international instruments to which Burundi is a party, would be one of the priorities of the newly formed Government. The overall situation of human rights and of children in Burundi had improved significantly, with more than 3,500 children having been demobilized and reintegrated since 2004. Concerning cases of violations and abuses committed against children, as mentioned in the report, the Government of Burundi expressed its condemnation and renewed its commitment to address all abuses and violations committed against children. The representative of Burundi also deplored the lack of participation of Palipehutu-FNL in the Joint Verification and Monitoring Mechanism and its consequences for the situation of children, and called upon the international community to increase pressure on its leadership in order to remedy the situation.

11. Further to the meeting and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolution 1612 (2005), the Working Group agreed to the following.

Recommendations to the Security Council

12. The Working Group agreed to recommend that the President of the Security Council address letters:

To the Government of Burundi

(a) *Welcoming*:

(i) The cooperation shown by the Government of Burundi with the Special Representative of the Secretary-General for Children and Armed Conflict during her visit to Burundi from 13 to 17 March 2007;

(ii) The commitment of the Government of Burundi to addressing the issue of children and armed conflict, including through the ratification of relevant international instruments;

(iii) The participation of the Minister for National Solidarity, Human Rights and Gender of Burundi in the Paris conference entitled "Free children from

war" and the support expressed on that occasion by the Government for the Paris Principles and Commitments to protect children from unlawful recruitment or use by armed forces or armed groups;

(iv) The steps taken, in line with the conclusions of the Working Group, to release the children whose detention in the demobilization camp of Randa was mentioned in the previous report of the Secretary-General (S/2006/851) and to reintegrate them into their respective communities with the support of the United Nations Children's Fund (UNICEF), as well as the subsequent release of children in illegal detention for suspected association with Palipehutu-FNL, while stressing that in the future, such release processes should be carried out in a way that allows the United Nations to provide support for the reintegration of those children into their communities;

(v) The efforts undertaken by the Government of Burundi, with the assistance of UNICEF and of the Office of the United Nations High Commissioner for Human Rights in Burundi and other relevant United Nations agencies, to revise the Criminal Code and Criminal Procedure Code with a view to including greater protection for the rights of children;

(b) *Expressing deep concern* about:

(i) The alarming increase in cases of rape and other grave sexual violence committed against children, especially girls, in the situation of armed conflict in Burundi and the limited number of cases in which perpetrators are brought to justice, thereby contributing to the prevailing impunity for those cases;

(ii) The fact that, despite the willingness shown by the Government of Burundi to combat violations and abuses perpetrated by national security forces against children and the steps taken to prosecute police officers and soldiers accused of such abuses, security personnel continue to account for a significant number of violations;

(c) *Urging* it, with the support of the United Nations:

(i) To make every effort to adopt, as a matter of priority, the draft revised Penal Code and the draft amendments to the revised Criminal Procedure Code raising the age of criminal liability, prohibiting the enlistment of children in armed forces, prescribing heavier sentences for crimes perpetrated against children and introducing alternative measures to imprisonment, as well as lighter sentences for children convicted of an offence or a crime, and to ensure that its national legislation is in accordance with its obligations under international law;

(ii) To consider with special attention the protection of children in transitional justice mechanisms and in all provisions of security sector reform, as provided for in the 2000 Arusha Peace and Reconciliation Agreement, the 2003 Comprehensive Ceasefire Agreement and the 2006 Comprehensive Ceasefire Agreement, as well as Security Council resolution 1606 (2005);

(iii) To make every effort to pursue and bring to justice anyone responsible for violations or abuses against children, including killings and maimings, rape and other forms of sexual violence, and provide an adequate response, making every effort to protect the victims, witnesses and individuals reporting crimes perpetrated against children, in order to put an end to impunity in Burundi;

(iv) To support the development of an integrated national child protection system;

(v) To continue to develop activities in the field of training and capacity-building for security forces and legal services personnel on child protection and relevant international human rights instruments and humanitarian law on children affected by armed conflict;

(vi) To make every effort to ensure that the children who have been transferred to the Randa and Buramata demobilization sites since November 2007 are demobilized without delay and reintegrated into their families and communities;

To the Secretary-General

(d) *Welcoming* the visit of his Special Representative for Children and Armed Conflict to Burundi in March 2007;

(e) *Commending* the efforts undertaken by the United Nations Integrated Office in Burundi and UNICEF, in coordination with the Government of Burundi, to contribute actively to the protection of children and their efforts to engage with Palipehutu-FNL, as well as the alleged dissidents of Palipehutu-FNL, in order to put an end to child recruitment and to facilitate the release of affected children;

(f) *Requesting* him to continue, through BINUB, and in conjunction with the South African facilitation and the Regional Peace Initiative, to urge Palipehutu-FNL to immediately release children associated with it, in line with Security Council resolutions 1612 (2005) and 1791 (2007), and to agree on a time-bound action plan to end the recruitment and use of children, and also requesting him to ensure that child protection, including the specific needs of girls, is taken into account in disarmament, demobilization and reintegration programmes in Burundi, and to ensure the sustainable reintegration of children into their families and communities;

(g) *Requesting* him to urge the United Nations system to support child protection in the disarmament, demobilization and reintegration process in Burundi, and inviting him to call upon the international community to continue to allocate adequate funding for capacity-building in Burundi for disarmament, demobilization and long-term reintegration programmes for children.

Direct action by the Working Group

13. The Working Group agreed to address a message to the Palipehutu-FNL through a public statement by its Chairman on behalf of the Working Group:

(a) *Strongly condemning* the continuous recruitment and use of children, as well as all other violations and abuses committed against children, by Palipehutu-FNL;

(b) *Stressing*, in view of the disturbing trend of the recruitment of children that has been noted since the signing of the Comprehensive Ceasefire Agreement, that the leadership of Palipehutu-FNL should be aware that the presence of children in the ranks of Palipehutu-FNL resulting from recruitment in violation of international law not only does not constitute an asset in the negotiations over the demobilization process, but is detrimental to Palipehutu-FNL in this context, and

recalling that recruitment of underage children by armed groups is recognized as a war crime under international law;

(c) *Strongly urging* Palipehutu-FNL to put an immediate end to any new recruitment, release unconditionally all children within its ranks in any capacity in order for them to be reintegrated into their families and communities and to engage at the earliest opportunity with UNICEF for the development of an action plan in line with Security Council resolution 1612 (2005), taking into account the Paris Principles: Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, with a view to putting an end to all violations and abuses perpetrated against children and ensuring transparent procedures for the release and sustainable reintegration of all children.

14. The Working Group also agreed to address letters from the Chairman:

To the Chairman of the Peacebuilding Commission

(a) *Sharing* the information contained in the report of the Secretary-General and the conclusions of the Working Group, and stressing the need to assist the Government of Burundi in developing and implementing strategies:

(i) To address disarmament, demobilization and long-term reintegration of children associated with armed groups into their communities, paying particular attention to the specific needs of girls;

(ii) To raise awareness of and support the Government's action to fight violations and abuses against children in armed conflict, including sexual and other gender-based violence committed against children, ensure the protection and access to justice of victims of such violence and fight impunity;

(iii) To continue programmes of training for police and other security forces in order to prevent violations and abuses committed against children by Burundian security forces and to deal with those who commit such abuses;

(iv) To support the valuable work conducted by and strengthen the capacities of administration offices in charge of human rights, judicial authorities and the office of the military prosecutor, as well as local civil society organizations, in protection of the rights of the child;

To the World Bank and donors

(b) *Recalling* its previous call for support for strengthened and accelerated implementation of sustainable disarmament, demobilization and reintegration programmes in Burundi, in close cooperation with the Government of Burundi, together with civil society organizations and local communities, paying particular attention in this process to girls exploited by armed forces and groups, and inviting them to also support activities in the field of advocacy and training on child rights protection, including through an integrated national child protection system.